

OFFICE OF THE PAROLE BOARD



ANNUAL REPORT

FY 2006-2007



KENTUCKY PAROLE BOARD

Who Are We?

- The Kentucky Parole Board is an independent, autonomous agency attached to the Justice Cabinet for administrative and support purposes only.
- KRS 439.320 states that the Governor shall appoint a Parole Board consisting of seven (7) full-time members and two (2) part-time members who must also be confirmed by the Senate. The Governor shall make each appointment for full-time and part-time members from a list of three (3) names submitted to him by the Commission on Corrections and Community Service. The Governor shall also name one full-time member as Chair of the Board.
- Office of the Parole Board consists of additional staff including an Executive Director, Staff Assistant, Executive Staff Advisor, two (2) Administrative Law Judges, Legal Secretary, Internal Policy Analyst III, Internal Policy Analyst II, Victim Advocate, four (4) Administrative Specialist III, Justice Program Supervisor, Program Coordinator, Parole Board Specialist II, and seven (7) Parole Board Specialists.

Staff

Administration

Charles A. Wilkerson Executive Director

Administrative Support

Betty Hawkins, Staff Assistant

Revocation

Nancy Barber, Administrative Law Judge

Eric Bates, Administrative Law Judge

Contract Administrative Law Judges

Marian Young, Internal Policy Analyst II

April Abshire, Legal Secretary II

Board Support

Brenda Hatchell, Executive Staff Advisor

Angie Mitchell, Internal Policy Analyst III

Liz Newton, Administrative Specialist III

Wanda Gaines, Administrative Specialist III

Kim Crews, Administrative Specialist III

Victim Services

Mesha Rogers, Victim's Advocate

Charlotte Ellis, Administrative Specialist III

Risk Assessment

Melissa Clark, Justice Program Supervisor

Amber Ingram Parole Board Specialist II

Carri Sullivan, Program Coordinator

Leah Smith, Parole Board Specialist I, Central Office

Larry Downs, Parole Board Specialist I, Northpoint Training Center

Lyndsey Cooper, Parole Board Specialist I, Kentucky Correctional Institute for Women

Elizabeth Mills, Parole Board Specialist I, Western Kentucky Correctional Complex

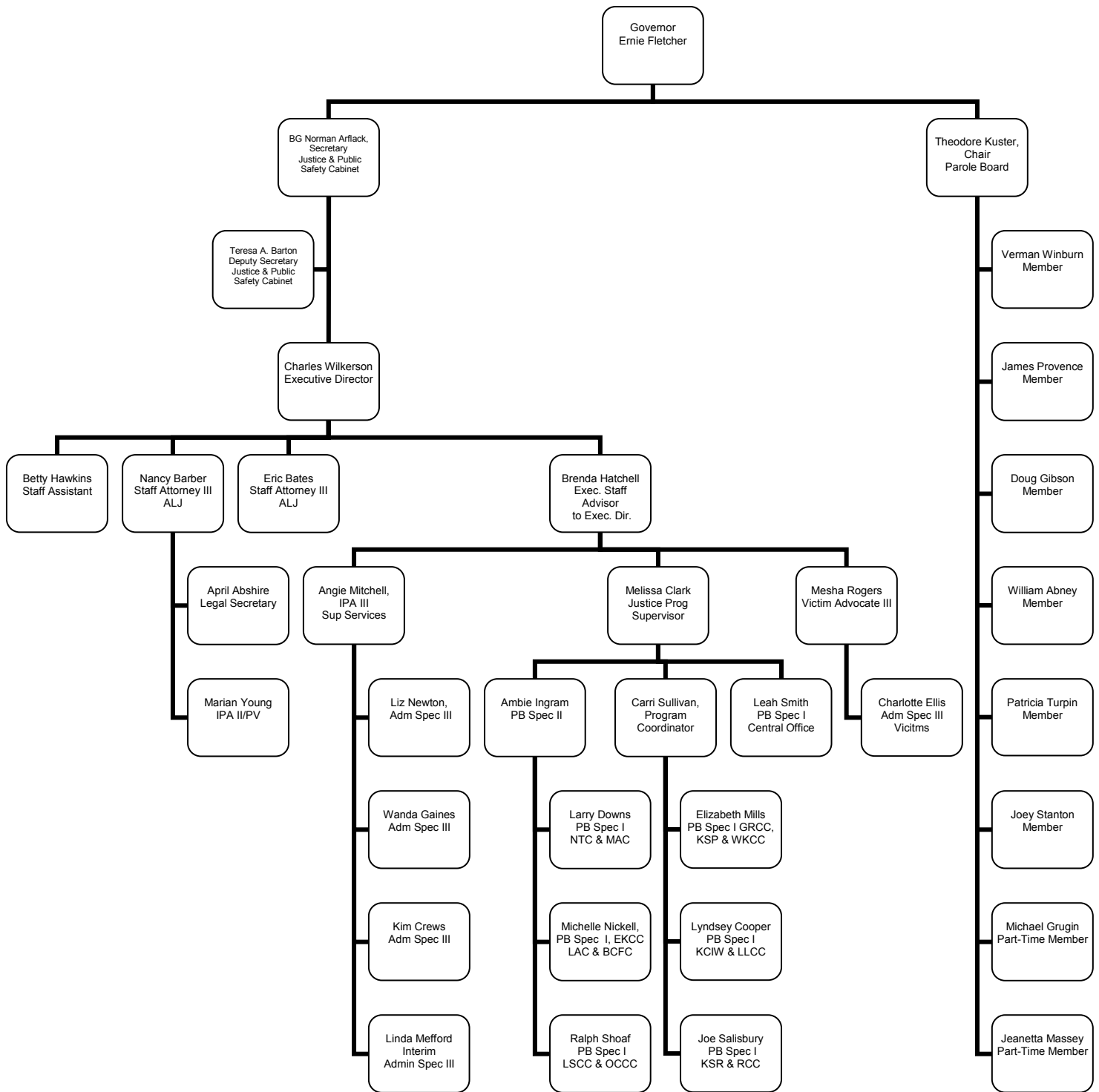
Michelle Nickell, Parole Board Specialist I, Eastern Kentucky Correctional Complex

Joe Salisbury, Parole Board Specialist I, Kentucky State Reformatory

Ralph Shoaf, Parole Board Specialist I, Little Sandy Correctional Complex

(Organizational Chart follows)

Office of the Parole Board Organizational Chart



What Is Our Mission?

The mission of the Kentucky Parole Board is to conduct prompt, fair, impartial hearings on the matters brought to its attention

What Is Our Responsibility?

The Parole Board is the primary releasing authority for all convicted felons and youthful offenders in the Commonwealth of Kentucky. The Board has four major responsibilities:

- ◆ Determining when to authorize the release of an offender prior to the expiration of the court-imposed sentence.
- ◆ Setting conditions to govern the parolee's behavior and rehabilitative efforts.
- ◆ Revoking parole if the parolee violates conditions of parole supervision.
- ◆ Issuing the final discharge once the parolee has successfully completed his or her sentence.

The Kentucky Parole Board's Code of Ethics covers such matters as competence, integrity, professional conduct, professional development, confidentiality and conflicts of interest. Board members are also subject to the provisions of Chapter 11A of the Kentucky Revised Statutes. The Board firmly believes that adherence to both of these codes will protect and preserve the integrity of the parole process.

When Does the Board Review A Case?

An inmate receives a parole hearing when he/she has served the required amount of time as established by statute or regulation. There is no application for parole and there is no “early” parole. Most inmates are eligible for an initial hearing after serving 20% of his or her sentence.

Inmates who had committed statutorily defined violent crimes on or after July 15, 1986, but prior to July 15, 1998, were not eligible for a parole hearing until he/she had served 50% of their sentence or 12 years, whichever was less. Inmates with life sentences had to serve 12 years to become eligible for parole consideration.

However, as a result of HB 455, inmates who have committed a statutorily defined violent crime after July 15, 1998, must serve at least 85% of their sentence, or twenty (20) years on a life sentence, before becoming eligible for parole.

How Does the Board Reach a Decision?

Panels of two (2) members conduct hearings and statutes require the two (2) members to reach a unanimous decision; otherwise the case must be brought before the full Board for consideration and voting. A hearing is conducted with inmates serving on class A, B or C felonies. Inmates serving on only class D felonies do not have a hearing; instead the Board reviews their case to render a decision.

All parole hearings requiring inmate interviews are conducted by video-conference with one member of the Board traveling to the institution to review the inmate’s institutional file.

The Board deliberates and makes its decisions based on information furnished to it by the Department of Corrections, inmates and inmate’s families, victims and victim’s families and other interested citizens and individuals.

WHAT FACTORS ARE CONSIDERED WHEN GRANTING OR DENYING PAROLE?

- ❖ Current offense – seriousness, violence, firearm
- ❖ Prior record – juvenile, misdemeanor, felony
- ❖ Institutional conduct / program involvement
- ❖ Attitude toward authority – before and during incarceration
- ❖ History of alcohol and drug involvement
- ❖ Education and job skills
- ❖ Employment history
- ❖ Emotional stability
- ❖ Mental capacities
- ❖ Terminal illness
- ❖ History of deviant behavior
- ❖ Official and community attitudes
- ❖ Input from victims and others
- ❖ Parole Guidelines Risk Assessment
- ❖ Review of parole plan – housing, employment, community resources
- ❖ Other factors relating to the inmate's need and public safety

What Are the Board's Options?

The Parole Board has three (3) options in deciding each case. They are:

- ◆ Deferment – By imposing a deferment, the Board denies parole and establishes another eligibility date for the individual to meet with the Board some time in the future. Deferments are given when the Board does not believe the offender is a good risk for parole at the time of the hearing, but thinks the inmate should not have to serve the entire sentence without further review. Cases are also deferred for short periods of time when additional information is needed to reach a decision.

- ◆ Serve-Out – By ordering a serve-out, the Board is requiring the offender to serve the remainder of the sentence incarcerated, with no additional review, and no additional opportunity for parole.

- ◆ Parole – By recommending parole, the Board is allowing the offender to be released from the institution to continue serving his/her sentence in the community. Before being released, the offender must have home and job placements verified and approved. Following release, the parolee is placed under the supervision of the Department of Corrections and is required to abide by specific conditions set by the Board and his or her parole officer.

The Board can vote to not take action on hearings concerning reconsiderations, medical considerations, and courtesy hearings.

Can the Parole Board's Decision Be Reconsidered?

By administrative regulation, an inmate whose parole is revoked, rescinded or denied by deferment or serve-out may request an appellate review by the Board. The Board must receive a reconsideration request within twenty-one (21) days from the date final disposition is made available to the inmate. If it is not received within 21 days, it shall be denied.

A review shall only be conducted for one of the three (3) following reasons:

- 1) If there is significant new information that was not available at the time of the hearing.
- 2) If there is an allegation of misconduct by a Board Member that is substantiated by the record.
- 3) If there is a significant procedural error by a Board Member.

What Is the Parole Violation / Revocation Process?

The parole revocation process is the action brought to revoke an individual's parole. Once parole is granted to an individual by the Parole Board that person is released from the penal institution and placed under the supervision of a parole officer. The parolee has set conditions required to maintain his/her parole status. Revocation begins when a parole officer alleges that those conditions have been violated. The first step of revocation is the service of the Notice of Preliminary Hearing. This charging document sets forth the allegation(s) of the condition(s) of supervision that the parole officer is asserting the parolee violated. Alleged violations may be either technical (failure to report, absconding, use of alcohol/drugs, or termination from treatment etc.) or substantive violations (conviction of a new misdemeanor or felony offense). The parolee being served the Notice of Preliminary Hearing may admit to the violation(s) of condition(s) and waive the preliminary hearing or contest the allegation(s) and request a hearing date.

Parole Violation / Revocation Process continued

During the 2006-2007 fiscal year one full time Administrative Law Judge along with sixteen (16) contract Administrative Law Judges conducted preliminary revocation hearings throughout the Commonwealth. Recently another full time Administrative Law Judge was added to our staff and the number of contract Administrative Law Judges was reduced to three.

The purpose of the Preliminary Hearing is to determine through the testimony and evidence presented if there is probable cause that the alleged violation(s) occurred. The Administrative Law Judge(s) under the authority vested in KRS 439.341 and 501KAR 1:040 may, after a finding of probable cause, grant leniency in certain cases or refer the case on to the Parole Board for a final hearing. Parolees that admit to the violation(s) proceed directly to the final hearing. The Parole Board issues a parole violation warrant for the parolee after the Administrative Law Judge finds probable cause or the parolee waives his/her preliminary hearing.

Final Revocation Hearings conducted by the Parole Board are held within thirty (30) days of the parolee's arrival at the penal institution. A Special final hearing may be requested by a parolee and are granted at the Board's discretion in cases where there has been a substantial change of circumstances between the preliminary hearing date and the final hearing or if evidence has become available during that period which could not reasonably have been presented at the preliminary hearing. In final revocation hearings, the Parole Board may reinstate the parolee to supervision, defer the case for a specified period of time or require the parolee to serve the remainder of his/her sentence.

How Are Victims involved In the Parole Process?

In 1986, the General Assembly enacted legislation designed to recognize the importance of involving crime victims and/or their families in the criminal justice system. KRS 439.340 (5) through (10) details the rights and responsibilities of victims and the role of the Parole Board in notifying victims of scheduled parole hearings. The statute also covers procedures to be followed by the Board in getting victim input through written statements and verbal testimony.

Weekly victim impact hearings, conducted in the central office in Frankfort, provide an educational opportunity for both victims and Parole Board members. Victim input is an important element in the Board's decision-making process. Information gathered at victims' hearings helps to personalize each crime and helps the Board better understand the effects of the crime on the victims and/or their families.

In the process of providing input, victims gain insight into how the inmate has come to the point of parole eligibility and learn about the criteria the Board uses to review the offender's case. The hearing process also affords the opportunity for victims to be informed about any progress the inmate has made during incarceration. Finally, the hearing presents the opportunity for the victim and the Board to share information that may have been omitted in earlier testimony.

Information gleaned from victims at hearings and in their victim impact statements is confidential. Victim impact hearings may be open or closed to the public, depending on the wishes of the victim. When a hearing is closed, only the Parole Board has access to the victim's testimony.

What are Parole Guidelines/Parole Board Specialists?

The Board utilizes the Parole Board Risk Assessment as an objective tool during their decision making process. These guidelines contain an offense severity index along with a risk assessment score that provide the Board with information as to the inmate's likelihood of success under parole supervision. However, parole remains discretionary. These guidelines enhance the Board's credibility and accountability and make the parole decision-making process more consistent.

There are ten staff members responsible for compiling all the risk assessments, 6 of which are stationed at correctional facilities where they have access to the inmate population. A fact finding interview along with a file review is completed to gather information for the risk assessment. This staff and tool enhances the information available to the Board.

Factors included on the Risk Assessment:

Static:

- ❖ Current Offense
- ❖ Revocation/Felony Supervision History
- ❖ Prior Incarcerations
- ❖ Educational Level
- ❖ Employment History
- ❖ Marital Status

Dynamic:

- ❖ Current Age
- ❖ Institutional adjustment
- ❖ Classification Level as determined by Department of Corrections
- ❖ Program Completion in any of the following
 - Adult Basic Education, GED, College Degree, Substance Abuse Program (Therapeutic Inpatient drug/alcohol treatment), Sex Offender Treatment Program, Vocational Degree, Prison Industries for at least 6 months

KENTUCKY PAROLE BOARD
FACTS AND FIGURES

2006-2007

*Office of the Parole Board
Annual Report
FY 2006-2007*

		Parole	Defer	Serve Out	Total
Face to Face Hearings:					
Initial Cases Interviewed		1446	1274	172	2892
Deferred Cases Interviewed		1602	507	157	2266
Declined		2	4	66	72
File Reviews:					
Initial Cases Reviewed (file review)		2095	1802	1710	5607
Deferred Cases Reviewed (file review)		1201	317	292	1810
Declined(file reviews)		0	6	51	57
Administrative Reviews		0	206	25	231
TOTAL: HEARINGS AND REVIEWS		6346	4116	2473	12935
Parole/Defer/Serve-out Rate					
Initial cases		42%	36%	22%	100%
Deferred cases		69%	20%	11%	100%
Hearings		59%	35%	6%	100%
Reviews		44%	29%	27%	100%
Declined Hearing		2%	8%	91%	100%
Other Parole Board Hearings Conducted: No Action					
Back to Board	26	88	90	75	279
Medical Hearings	5	6	0	0	11
Reconsideration	16	20	10	0	46
Youthful Offender Hearings	0	0	5 (1 Declined)	0	5
Courtesy Hearings	0	0	2	1	3
TOTAL PAROLE ELIGIBILITY CASES	47	6460	4223	2549	13279
Parole/Defer/Serve-out Rate:					
Parole Eligibility Cases	0%	49%	32%	19%	100%
Final Parole Revocations:					
Hearings		172	1789	859	2820
Declined Hearings		0	9	119	128
Admin Review PVs		0	8	0	8
TOTAL: REVOCATIONS		172	1806	978	2956

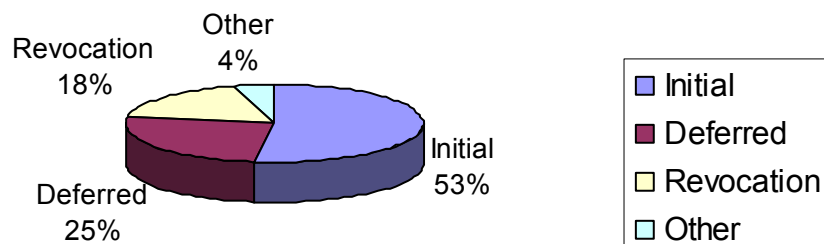
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	No Action	Parole	Defer	Serve Out	Total
Parole/Defer/Serve-Out Rate:					
Revocations		6%	61%	33%	100%
TOTALS: ALL HEARINGS AND REVIEWS	47	6632	6029	3527	16235
Parole/Defer/Serve-Out Rate:					
All cases considered by the Parole Board	0%	41%	37%	22%	100%
VICTIM HEARINGS	MISC 236				
OTHER BOARD ACTIONS:					
ALJ Actions conducted by Staff Attorney III and contract ALJ's	1120				
Warrants Issued	3276				
Accepted Waivers for Preliminary Parole Revocation Hearings	2526				
Parole Officer Request (special reports for consideration)	71				
Requests/Reviews: Reconsideration	686				
TOTAL VICTIM HEARINGS/BOARD ACTIONS	7915				
Open Hearings	368				

Prepared By: *Melissa Clark* Date: *July 16, 2007*

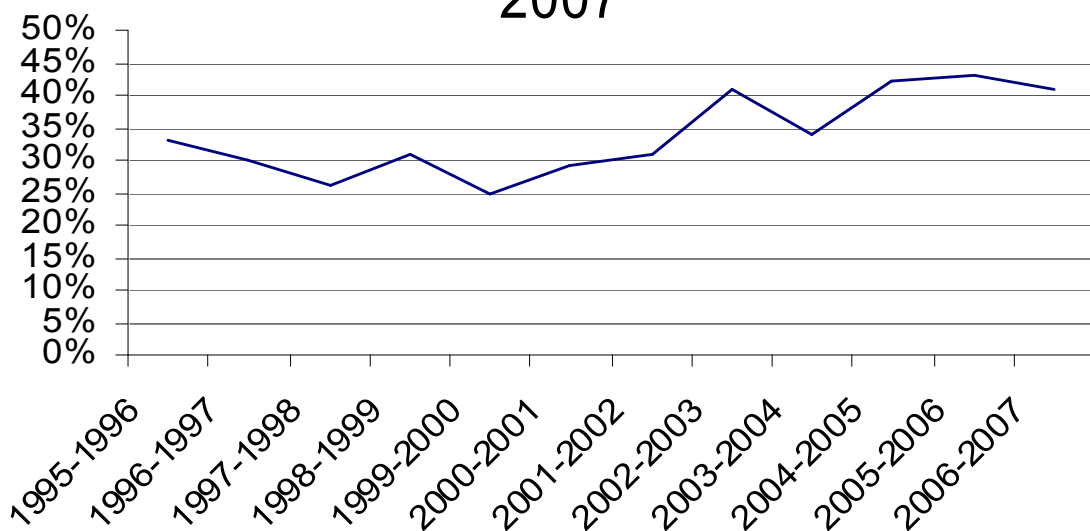
Reviewed and Approved: *[Signature]* Date: *August 1, 2007*

Types of Hearings Conducted FY 2006-2007



In FY 2006-2007 the board considered a total of 16235 cases (about a 10% increase from FY 2005-2006). Of the inmates considered for parole 41% of them were paroled. This rate decreased from 43% from the last fiscal year. Below is a comparison of the parole rate over the last twelve fiscal years.

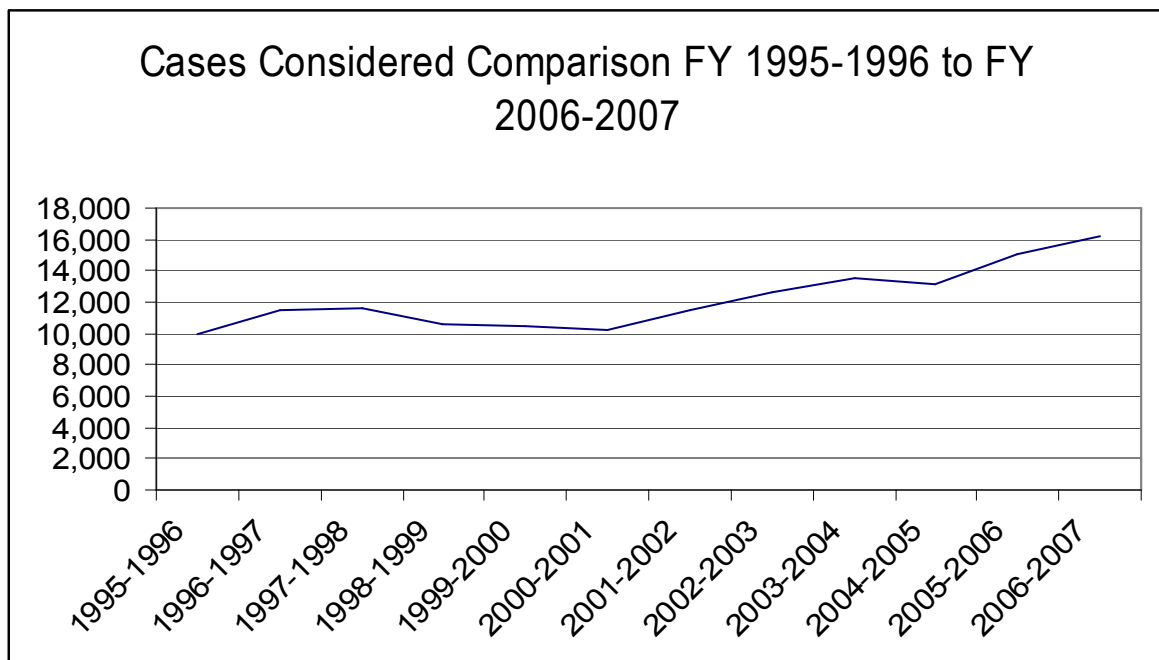
Parole Rate FY 1995-1996 to FY 2006-2007



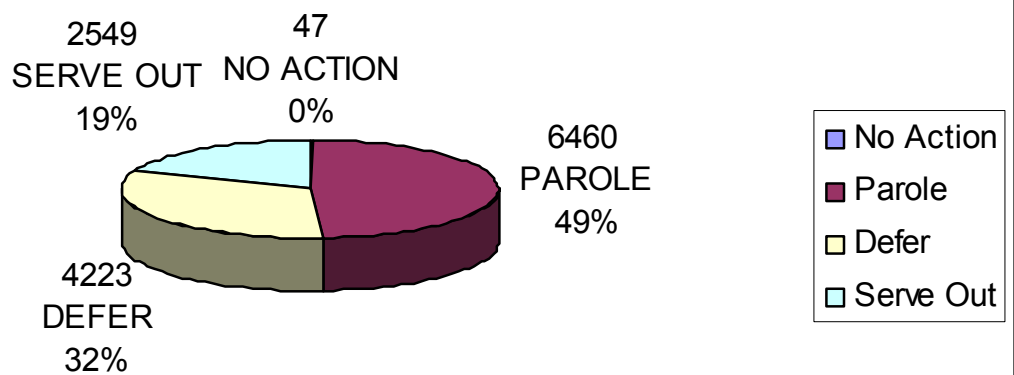
Parole Rate Comparison from 1995-2006

<u>FY:</u>	<u>1995-1996</u>	<u>1996-1997</u>	<u>1997-1998</u>	<u>1998-1999</u>	<u>1999-2000</u>	<u>2000-2001</u>
Parole	33%	30%	26%	31%	25%	29%
Defer	33%	37%	41%	35%	36%	37%
Serve Out	34%	33%	33%	34%	39%	34%
Inmates Considered	9,985	11,490	11,567	10,544	10,447	10,258

	<u>2001-2002</u>	<u>2002-2003</u>	<u>2003-2004</u>	<u>2004-2005</u>	<u>2005-2006</u>	<u>2006-2007</u>
Parole	31%	41%	34%	42%	43%	41%
Defer	40%	33%	30%	30%	37%	37%
Serve Out	29%	26%	36%	28%	20%	22%
Inmates Considered	11,490	12,680	13,540	13,160	15,119	16235

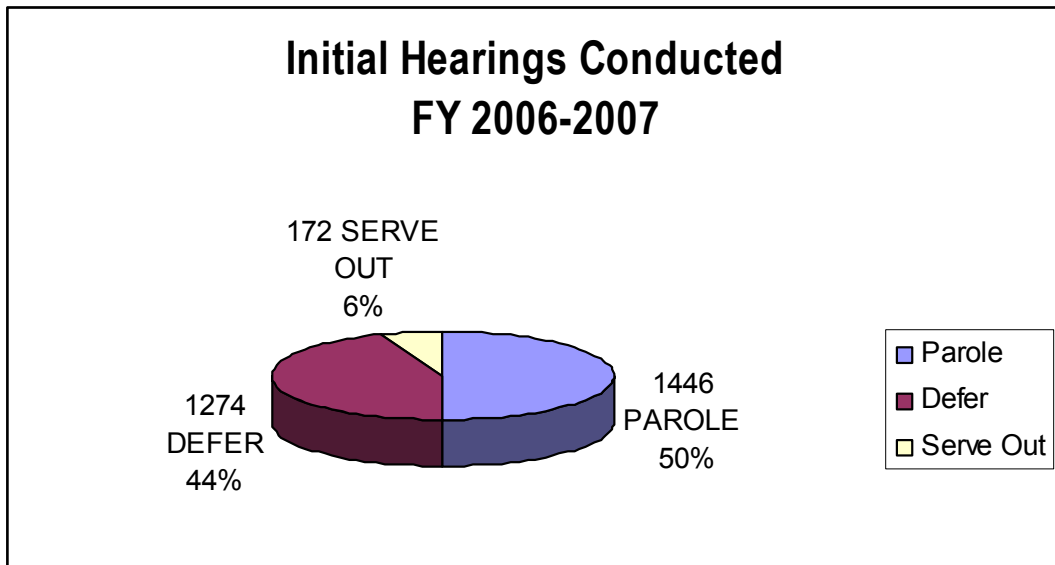


PAROLE ELIGIBILITY CASES CONSIDERED FY 2006-2007

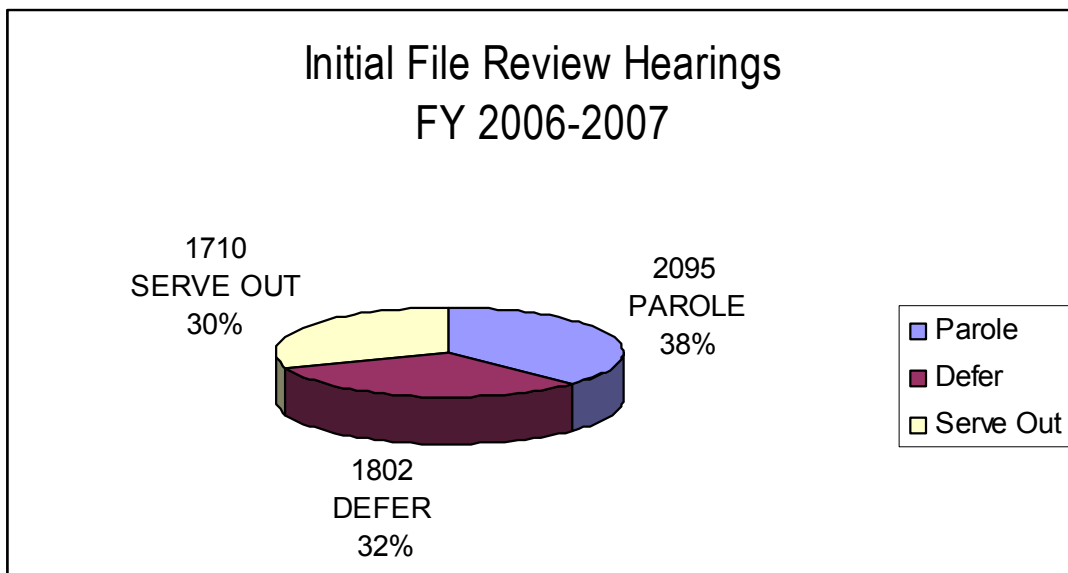


The parole rate for parole eligibility hearings for FY 06-07 was 49%. The overall parole rate, 41%, reflects all cases including parole violators which have a drastically lower parole rate, 6%.

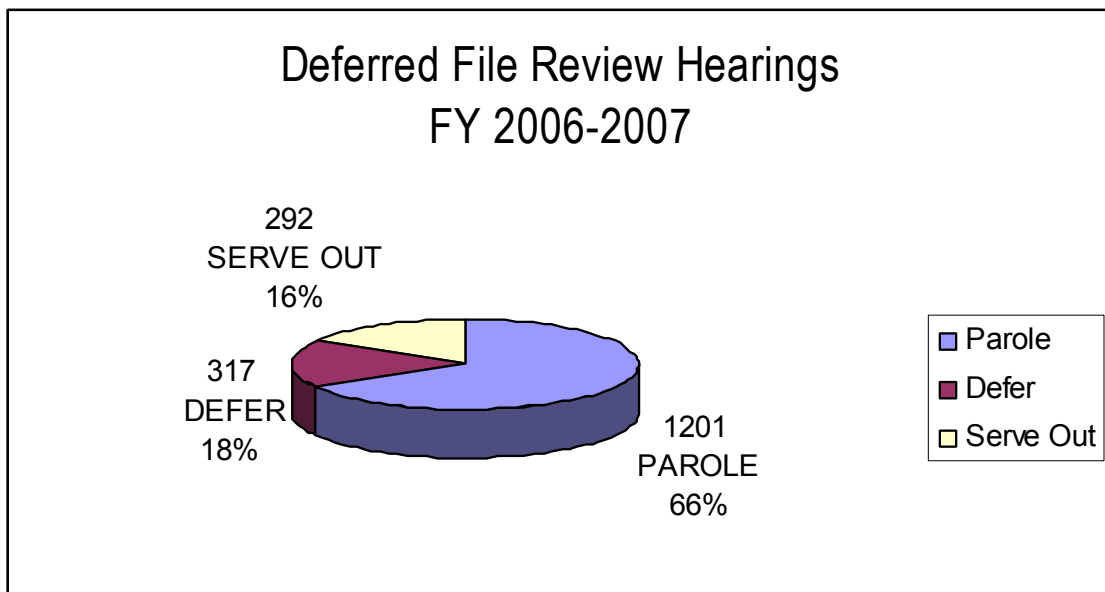
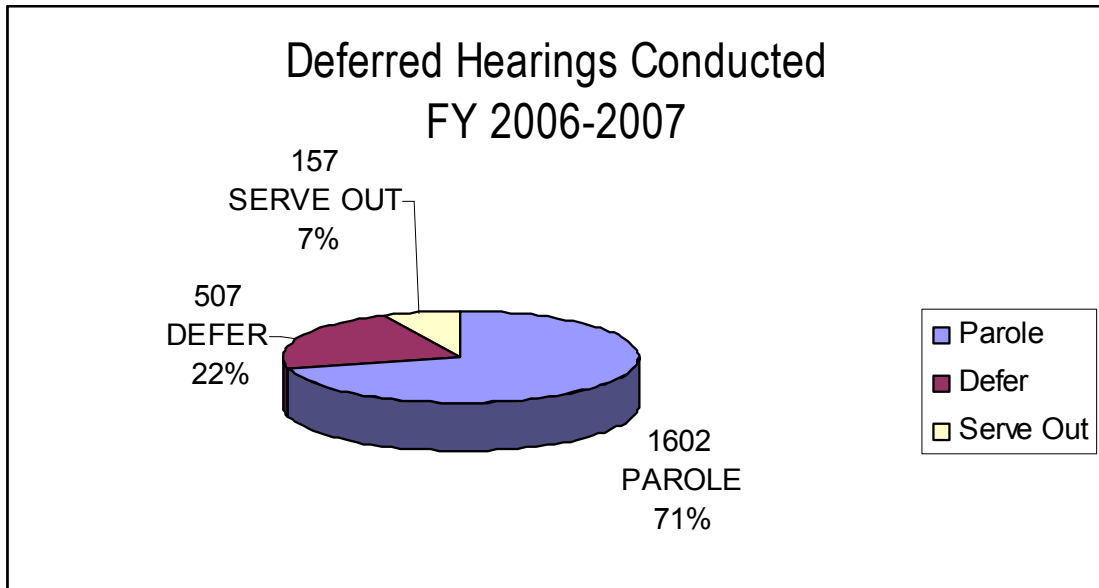
The majority of the cases considered were initial hearings.



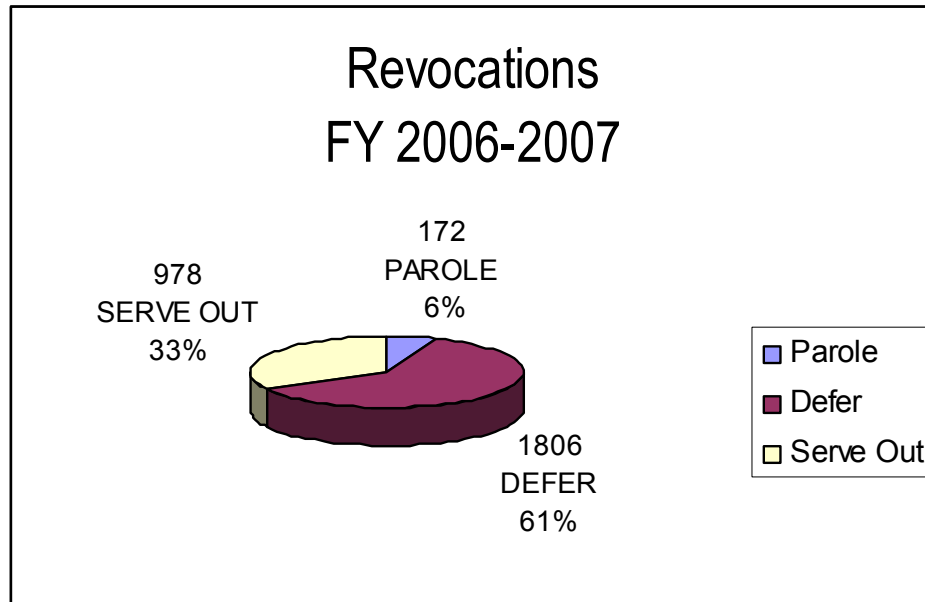
Of the initial hearings ("face to face hearings") conducted for inmates serving on class A, B, or C felonies, the parole rate was 50%. Whereas for the initial reviews conducted by file review for inmates serving on class D felonies the parole rate was 38%.



25% of the cases considered were for inmates completing a deferment previously ordered by the Board. For the deferred cases considered by a face to face hearing the parole rate was 71%. The deferred cases considered by a file review had the parole rate of 66%.



18% of the cases considered are final parole revocation hearings.
The majority of these inmates are ordered to complete a
deferment once their parole is revoked.



The Board also conducts other hearings, most of which are during
their weekly business meeting usually conducted on Mondays.
Most of these hearings are "Back to Board" cases due to inmates
receiving detainers or disciplinary actions after the Board has
already recommended parole.

